

110TH CONGRESS  
2D SESSION

# H. R. 7216

To amend section 3328 of title 5, United States Code, relating to Selective Service registration.

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## IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 29, 2008

Mr. GEORGE MILLER of California (for himself and Mr. ISSA) introduced the following bill; which was referred to the Committee on Oversight and Government Reform

SEPTEMBER 29, 2008

The Committee on Oversight and Government Reform discharged; considered and passed

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## A BILL

To amend section 3328 of title 5, United States Code, relating to Selective Service registration.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. SELECTIVE SERVICE REGISTRATION.**

4       (a) IN GENERAL.—Section 3328 of title 5, United  
5       States Code, is amended by striking subsection (b) and  
6       inserting the following:

7       “(b)(1) Except as provided in subsection (c), the Di-  
8       rector of the Office of Personnel Management, in consulta-

1 tion with the Director of the Selective Service System,  
2 shall prescribe regulations to carry out this section.

3 “(2) Such regulations—

4 “(A) shall provide for exceptions to determina-  
5 tions of ineligibility under this section to allow for  
6 the appointment of an individual who was dis-  
7 charged or released from active duty in the armed  
8 forces under honorable conditions; and

9 “(B) may provide that determinations of eligi-  
10 bility under the requirements of this section shall be  
11 adjudicated by the Executive agency making the ap-  
12 pointment for which the eligibility is determined.

13 “(c)(1) The Director of the Selective Service System,  
14 in consultation with the Director of the Office of Per-  
15 sonnel Management, shall prescribe procedures—

16 “(A) for the adjudication of determinations of  
17 whether a failure to register was knowing and will-  
18 ful; and

19 “(B) under which such a determination may  
20 not be made if the individual concerned shows by a  
21 preponderance of the evidence that the failure to  
22 register was neither knowing nor willful.

23 “(2) The procedures under paragraph (1) may pro-  
24 vide that determinations referred to in paragraph (1)(A)

1 shall be adjudicated by the Executive agency making the  
2 appointment for which the eligibility is determined.”.

3 (b) REGULATIONS.—Not later than 60 days after the  
4 date of enactment of this Act, the Director of the Selective  
5 Service System, in consultation with the Director of the  
6 Office of Personnel Management, shall prescribe regula-  
7 tions under section 3328(c) of title 5, United States Code,  
8 as added by subsection (a) of this section.

9 (c) READJUDICATION OF DETERMINATIONS.—Any  
10 individual whose case was or is adjudicated under section  
11 3328(b) of title 5, United States Code, during the period  
12 beginning on February 21, 2007, through the date on  
13 which the regulations are prescribed or amended under  
14 subsection (b) of this section are in effect, and whose case  
15 involve a determination of whether a failure to register  
16 was knowing and willful, may have his or her case readju-  
17 dicated in accordance with such regulations as so pre-  
18 scribed.

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